

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**IN RE: HANNAH ELIZABETH SMITH**

**CHAPTER 13  
Case No. 25-50474-KMS**

**TRUSTEE'S OBJECTION TO CONFIRMATION**

COMES NOW the Chapter 13 Trustee and files this Objection to Confirmation, and in support hereof, would show the following, to-wit:

**1.**

This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

**2.**

The Trustee objects to confirmation of Debtor's currently proposed Chapter 13 plan (Dkt. 2) based upon Debtor's Section 8.1 proposal to pay her student loan provider "direct pursuant to contract in place", which conflicts with the Fifth Circuit's recent decision in Matter of Durand-Day, 134 F.4th 846 (5<sup>th</sup> Cir. 2025).

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that this Objection be received and filed and that an Order be entered denying confirmation of Debtor's proposed plan (Dkt. 2).

DATED, this the 3<sup>rd</sup> day of July 2025.

Respectfully submitted,

  
/s/  
PHILLIP BRENT DUNNAWAY

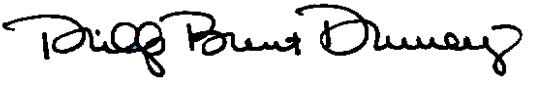
**CERTIFICATE OF SERVICE**

I, PHILLIP BRENT DUNNAWAY, Attorney for the Chapter 13 Trustee, do hereby certify that I have served electronically, a true and correct copy of the above and foregoing Trustee's Objection to Confirmation to:

David Asbach, Esq., United States Trustee USTPRegion05.JA.ECF@usdoj.gov

T.C. Rollins, Esq., for Debtor trollins@therollinsfirm.com

DATED this the 3<sup>rd</sup> day of July 2025.

  
/s/

PHILLIP BRENT DUNNAWAY  
MS Bar No. 100443

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